

(II) SUFFOCATE, STRANGLE, DISFIGURE, OR INFLICT SERIOUS PHYSICAL INJURY ON THE VICTIM OR ANOTHER IN THE COURSE OF COMMITTING THE CRIME;

(III) THREATEN, OR PLACE THE VICTIM IN FEAR, THAT THE VICTIM, OR AN INDIVIDUAL KNOWN TO THE VICTIM, IMMINENTLY WILL BE SUBJECT TO DEATH, SUFFOCATION, STRANGULATION, DISFIGUREMENT, SERIOUS PHYSICAL INJURY, OR KIDNAPPING;

(IV) COMMIT THE CRIME WHILE AIDED AND ABETTED BY ANOTHER;
OR

(V) COMMIT THE CRIME IN CONNECTION WITH A BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO:

(1) IMPRISONMENT NOT EXCEEDING LIFE; OR

(2) IF THE PERSON IS CONVICTED IN THE SAME PROCEEDING OF VIOLATING § 3-503(A)(2) OF THIS ARTICLE AND THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS, IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(C) REQUIRED NOTICE.

IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER SUBSECTION (B)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 464.

In this section and throughout this subtitle, the references to "against the will" are deleted as included in the references to "without consent". The Court of Appeals has determined that "against the will" and "without the consent" are synonymous in the law of rape. *See, e.g., State v. Rusk*, 289 Md. 230 (1981).

In subsection (a)(2)(i) and (ii) of this section, the references to the "victim" are substituted for the former references to the "other person" for clarity and consistency within this subtitle.

In subsection (a)(2)(i) of this section, the reference to a "physical object" is substituted for the former word "article" for clarity.

Also in subsection (a)(2)(i) of this section, the word "believes" is substituted for the former word "concludes" for clarity.

Also in subsection (a)(2)(i) of this section, the former references to a